

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DUSTIN HOWLETT,

v.

WILLIAM GITTERE, *et al.*,

Plaintiff,

Defendants.

Case No. 3:23-cv-00405-MMD-CSD

ORDER

On August 14, 2023, *pro se* Plaintiff Dustin Howlett filed a civil-rights complaint under 42 U.S.C. § 1983, alleging that his rights under the Eighth and Fourteenth Amendments were violated while he was incarcerated at Northern Nevada Correctional Center. (ECF No. 1.) Plaintiff has paid the full \$402 filing fee for this action. (ECF No. 1-1.) According to the Nevada Department of Corrections inmate database, Plaintiff is no longer incarcerated and has been paroled. Additionally, the Court's mail to Plaintiff has been returned as undeliverable, stating that Plaintiff was paroled on May 4, 2023, before he filed this action. (ECF Nos. 4, 7.)

Considering Plaintiff's non-incarcerated status and his payment of the filing fee, the Court is not required to screen the complaint under 28 U.S.C. §§ 1915 or 1915A. See *Olivas v. Nevada ex rel. Dep't of Corr.*, 856 F.3d 1281, 1282 (9th Cir. 2017) (holding that "28 U.S.C. § 1915A applies only to claims brought by individuals incarcerated at the time they file their complaints"); *see also Lopez v. Smith*, 203 F.3d 1122, 1126, 1129 (9th Cir. 2000) (recognizing that screening under 28 U.S.C. § 1915(e) applies to actions filed *in forma pauperis* whether or not the plaintiff is incarcerated). This case will now proceed onto the normal litigation track. Because Plaintiff has paid the full filing fee for this action and has not requested service by the U.S. Marshals Service, *see* Fed. R. Civ. P. 4(c)(3), Plaintiff is responsible for completing service of the summonses and copies of the

1 complaint within 90 days from the date of this order. See *id.* at 4(m). And if Plaintiff wishes
2 to proceed with this action, he must file his updated address with the Court. See LR IA 3-
3 1 (providing that a “pro se party must immediately file with the court written notification of
4 any change of mailing address, email address, telephone number, or facsimile number”).

5 It is therefore ordered that this case will proceed on the normal litigation track.

6 It is further ordered that service must be perfected within 90 days from the date of
7 this order.

8 It is further ordered that Plaintiff has until 30 days from the date of this order to file
9 his updated address with the Court.

10 It is further ordered that if Plaintiff fails to timely comply with this order, this action
11 will be subject to dismissal without prejudice.

12 The Clerk of Court is directed to send a courtesy copy of this order to the Oregon
13 address listed on Plaintiff’s fee-payment check: 8923 SW Chandler Ridge Place,
14 Terrebonne, OR 97760.

15 DATED THIS 6th Day of September 2023.



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17 MIRANDA M. DU
18 CHIEF UNITED STATES DISTRICT JUDGE
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